

Exhibit D

Beck Demonstrative

Summary of DMCA Notices Sent to Cox and Cox's Responses

	Date	Total Notices	Accepted Notices	Deleted Notices
2013	FEB	158,332	71,726	86,606
	MAR	186,109	71,487	114,622
	APR	201,677	78,076	123,601
	MAY	230,099	120,111	109,988
	JUN	228,917	75,986	152,931
	JUL	240,363	94,517	145,846
	AUG	294,885	85,603	209,282
	SEP	238,930	72,568	166,362
	OCT	198,112	66,126	131,986
	NOV	187,374	65,703	121,671
	DEC	198,481	63,987	134,494
2014	JAN	276,635	90,238	186,397
	FEB	290,382	101,390	188,992
	MAR	354,991	119,793	235,198
	APR	373,770	109,441	264,329
	MAY	391,415	105,534	285,881
	JUN	389,119	122,549	266,570
	JUL	352,232	91,482	260,750
	AUG	398,265	112,187	286,078
	SEP	286,484	88,415	198,069
	OCT	113,095	101,738	11,357
	NOV	187,320	187,320	0
Total		5,776,987	2,095,977	3,681,010
		<i>Percentage of Total Notices</i>	36.28%	63.72%

PX-351, PX-353

Summary of DMCA Notices Sent to Cox and Cox's Responses

	Date	Total Notices	Accepted Notices	Deleted Notices	Warnings	Suspensions	Terminations
2013	FEB	158,332	71,726	86,606	16,552	2,113	0
	MAR	186,109	71,487	114,622	17,466	2,329	0
	APR	201,677	78,076	123,601	19,187	2,741	0
	MAY	230,099	120,111	109,988	27,466	3,351	3
	JUN	228,917	75,986	152,931	21,119	3,027	1
	JUL	240,363	94,517	145,846	24,585	3,762	1
	AUG	294,885	85,603	209,282	23,836	3,674	0
	SEP	238,930	72,568	166,362	23,670	3,683	0
	OCT	198,112	66,126	131,986	22,071	3,541	0
	NOV	187,374	65,703	121,671	22,669	3,158	0
	DEC	198,481	63,987	134,494	22,581	3,188	0
2014	JAN	276,635	90,238	186,397	27,139	3,466	0
	FEB	290,382	101,390	188,992	27,382	3,533	1
	MAR	354,991	119,793	235,198	28,985	3,365	3
	APR	373,770	109,441	264,329	26,163	2,913	2
	MAY	391,415	105,534	285,881	26,713	2,914	0
	JUN	389,119	122,549	266,570	23,689	2,638	3
	JUL	352,232	91,482	260,750	24,404	2,801	1
	AUG	398,265	112,187	286,078	25,317	2,716	1
	SEP	286,484	88,415	198,069	23,660	2,650	1
	OCT	113,095	101,738	11,357	25,484	2,594	2
	NOV	187,320	187,320	0	41,640	3,734	1
Total		5,776,987	2,095,977	3,681,010	541,778	67,891	20
<i>Percentage of Total Notices</i>			36.28%	63.72%	9.38%	1.18%	0.0003%

PX-351, PX-353



Customer ID:
580070866401

Fraternity

COX
Business

Source: PX-0019

	A	B	C	D	E	F	G	H	I	J
	icoms_id	ticket_id	create_date	ip_address	src_port	abuse_type	action_date	action	action_content_form	
1	580070866401	10233045	3/8/2012 9:05:55 AM	24.248.231.229		COPY OTHER	3/8/2012 9:35:53 AM	Sent Warning	CB - DMCA	
2	580070866401	10233045	3/8/2012 9:05:55 AM	24.248.231.229		COPY OTHER	3/8/2012 9:35:53 AM	Changed Status To Closed		
3	580070866401	10291171	3/16/2012 9:24:11 AM	24.248.231.229		COPY OTHER	3/16/2012 6:24:27 PM	Sent Warning	CB - DMCA	
4	580070866401	10291171	3/16/2012 9:24:11 AM	24.248.231.229		COPY OTHER	3/16/2012 6:24:28 PM	Changed Status To Closed		
5	580070866401	10547781	4/20/2012 5:13:25 PM	24.248.231.229		COPY OTHER	4/20/2012 5:59:10 PM	Sent Warning	CB - DMCA	
6	580070866401	10547781	4/20/2012 5:13:25 PM	24.248.231.229		COPY OTHER	4/20/2012 5:59:10 PM	Changed Status To Closed		
7	580070866401	10599395	4/27/2012 5:09:35 PM	24.248.231.229		COPY OTHER	4/30/2012 5:21:33 PM	Sent Warning	CB - DMCA	
8	580070866401	10599395	4/27/2012 5:09:35 PM	24.248.231.229		COPY OTHER	4/30/2012 5:21:33 PM	Changed Status To Closed		
9	580070866401	10636517	5/4/2012 9:10:27 AM	24.248.231.229		COPY OTHER	5/5/2012 9:59:39 AM	Sent Warning	CB - DMCA	
10	580070866401	10636517	5/4/2012 9:10:27 AM	24.248.231.229		COPY OTHER	5/5/2012 9:59:39 AM	Changed Status To Closed		
11	580070866401									
12	580070866401									
13	580070866401									Valid Notice - General
14	580070866401									
15	580070866401									for Complaints
16	580070866401									
17	580070866401									
18	580070866401									
19	580070866401									Valid Notice - General
20	580070866401									
21	580070866401									
22	580070866401									
23	580070866401									
24	580070866401									
25	580070866401									
26	580070866401									
27	580070866401									up letter to customer - DMCA
28	580070866401									
29	580070866401									
30	580070866401									
31	580070866401									
32	580070866401	12311583	1/25/2013 10:57:09 AM	24.248.231.229	54648	COPY OTHER	1/25/2013 2:55:59 PM	Sent Warning	CB - DMCA	
33	580070866401	12311583	1/25/2013 10:57:09 AM	24.248.231.229	54648	COPY OTHER	1/25/2013 2:55:59 PM	Changed Status To Closed		
34	580070866401	12337009	1/29/2013 5:06:43 PM	24.248.231.229	61682	COPY OTHER	1/29/2013 5:16:05 PM	Changed Status To Closed		
35	580070866401	12337009	1/29/2013 5:06:43 PM	24.248.231.229	61682	COPY OTHER	1/29/2013 5:16:12 PM	Changed Status To Working		
36	580070866401	12337009	1/29/2013 5:06:43 PM	24.248.231.229	61682	COPY OTHER	1/29/2013 5:17:10 PM	Sent Warning	CB - DMCA	
37	580070866401	12337009	1/29/2013 5:06:43 PM	24.248.231.229	61682	COPY OTHER	1/29/2013 5:17:10 PM	Changed Status To Closed		
38	580070866401	12350779	2/1/2013 9:06:13 AM	24.248.231.229	55163	COPY OTHER	2/1/2013 10:22:08 AM	Changed Status To Closed		
39	580070866401	12350779	2/1/2013 9:06:13 AM	24.248.231.229	55163	COPY OTHER	2/1/2013 10:22:13 AM	Changed Status To Working		
40	580070866401	12350779	2/1/2013 9:06:13 AM	24.248.231.229	55163	COPY OTHER	2/1/2013 10:22:43 AM	Sent Warning	CB - DMCA	
41	580070866401	12350779	2/1/2013 9:06:13 AM	24.248.231.229	55163	COPY OTHER	2/1/2013 10:23:01 AM	Sent Warning	CB - DMCA	
42	580070866401	12350779	2/1/2013 9:06:13 AM	24.248.231.229	55163	COPY OTHER	2/1/2013 10:23:01 AM	Changed Status To Closed		
43	580070866401	12368303	2/4/2013 12:24:09 PM	24.248.231.229	55918	COPY OTHER	2/4/2013 12:51:22 PM	Changed Status To Closed		
44	580070866401	12368303	2/4/2013 12:24:09 PM	24.248.231.229	55918	COPY OTHER	2/4/2013 12:51:28 PM	Changed Status To Working		
45	580070866401	12368303	2/4/2013 12:24:09 PM	24.248.231.229	55918	COPY OTHER	2/4/2013 12:51:44 PM	Sent Warning	CB - DMCA	

- Number of tickets: **67 tickets**
- Number of warnings: **48 warnings**
- Hard limit blocks: **9 times**
- Suspensions: **NONE**

Lehr Demonstrative

Sony Music Entertainment, *et al.*,
v.
Cox Communication, Inc., *et al.*

William Lehr Direct Testimony

Summary of Conclusions

1. **Copyright infringement causes significant harms to copyright holders** – this includes P2P piracy of Plaintiffs' works by Cox subscribers
2. **Harm to copyright holders from piracy is impossible to quantify**
3. **Cox is highly profitable** and the infringing subscribers identified in Plaintiffs' notices **contribute significantly to Cox's profitability**
4. **Cox had a strong economic incentive to tolerate infringement** in order to retain subscribers and their substantial payments

Piracy Harms the Copyright Holders

- Infringing downloads and uploads **displace legitimate sales**
 - Piracy **negatively impacts pricing**
 - Copyright holders incur **substantial enforcement costs**
 - Piracy **deters future investments** and **reduces incentives to create**
-

Impact of Infringement is Substantial

Quantifying Global Transfers of Copyrighted Content using BitTorrent

Quantifying Global Transfers of Copyrighted Content using BitTorrent

Alexandre M. Mateus

Abstract

This paper presents the most accurate estimate of the number of copies of copyrighted content of various types that is transferred using file sharing applications. Using data we collected between August 2010 and February 2011, the number of copies transferred is an order of magnitude greater than the number sold through legal channels. For example, we estimate that 10.7 songs were transferred using BitTorrent for every song sold, 3.6 movies were transferred using BitTorrent for every legal sale or rental of a DVD or Blu-ray, and 227 movies were transferred using BitTorrent for every paid download. We also find that the vast majority of music and video content transferred using BitTorrent is copyrighted, as demonstrated both by the swarm metadata we observed, and the fact that only 0.55% of the transfers were of files indexed by websites that specialize in content that can be transferred legally. Thus, we conclude that BitTorrent transfers result in hundreds of millions of copyright violations worldwide per day, and that copyright holders fail to realize significant revenues as a result. Movies are the type of content most supplied and

between August 2010 and February 2011 and a new methodology, we find that for some content types, the number of copies transferred is an order of magnitude greater than the number sold through legal channels. For example, we estimate that 10.7 songs were transferred using BitTorrent for every song sold, 3.6 movies were transferred using BitTorrent for every legal sale or rental of a DVD or Blu-ray, and

227 movies were transferred using BitTorrent for every paid download. We also find that the vast majority of music and video content transferred using BitTorrent is copyrighted, as demonstrated both by the swarm metadata we observed, and the fact that only 0.55% of the transfers were of files indexed by websites that specialize in content that can be transferred legally. Thus, we conclude that BitTorrent transfers result in hundreds of millions of copyright violations worldwide per day, and that copyright holders fail to realize significant revenues as a result. Movies are the type of content most supplied and

¹ Alexandre M. Mateus, Ph.D. in Engineering and Public Policy from Carnegie Mellon University, U.S.A., and Instituto Superior Técnico, Portugal, ammateus@gmail.com.

² Jon M. Peha, Carnegie Mellon University, Professor in the Dept. of Engineering & Public Policy and the Dept. of Electrical & Computer Engineering, www.ece.cmu.edu/~peha

³ Jon M. Peha contributed to this work in his capacity as a professor at Carnegie Mellon University, and dissertation advisor to Alexandre Mateus. Any opinion expressed herein is that of one or both of the authors, and does not represent the views of the U.S. Government.

Source: PX-521; Mateus, Peha, "Quantifying Global Transfers of Copyrighted Content using BitTorrent," Sept. 2011. TPRC 2011.

Sizing the Piracy Universe

Sizing the piracy universe

David Price
Director of Piracy Analysis
September 2013

were most popular with bittorrent downloaders. Also, with pornography excluded, **only two identified torrent files out of 12,500 torrents analyzed offered non-infringing content.** None of the most popular 10,000 torrent files were found to offer non-infringing content.

content, just 0.015%. Thus out of all non-pornographic files located, **99.97% of content was infringing.** If

NetNames^{nm} envisional 

Source: PX-439; Price, 2013. "Sizing the Piracy Universe" at p.29-30.


Impossible to Quantify Harm

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- **No data on the scope of infringement** through viral P2P piracy
 - **No data regarding the music purchasing** behavior of P2P users
 - **No data to understand impact on Plaintiffs' pricing**
-

Industry Economics & Cox's Revenues and Profits

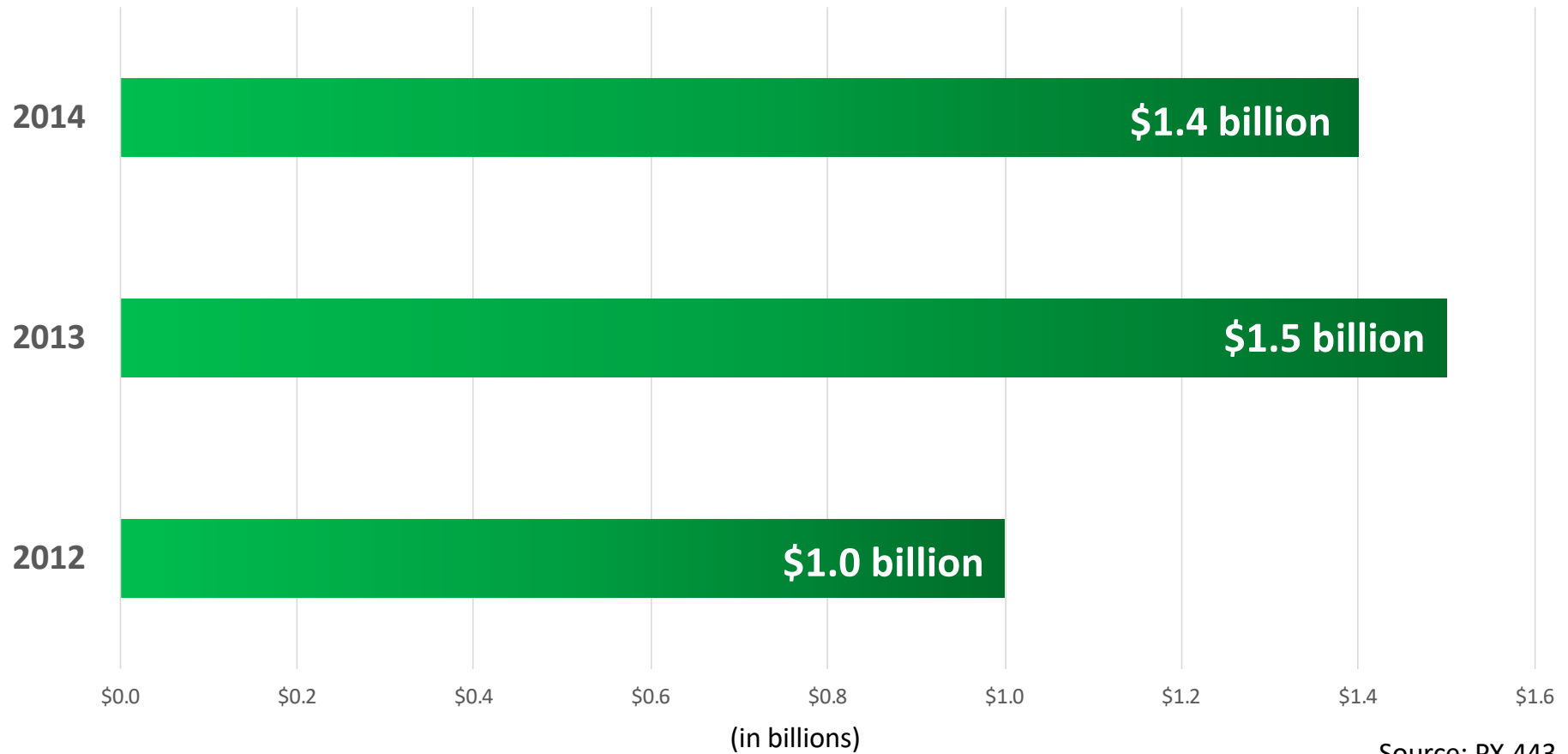
Cox Revenue and Profit from Residential and Business Customers



	2013	2014	TOTAL
Revenue	\$9.5 billion	\$10.0 billion	\$19.5 billion
Net Profit	\$4.0 billion	\$4.3 billion	\$8.3 billion







Source: PX-459, DX-250

Cox Paid Billions In Cash Dividends To Its Owners



Source: PX-443

Cox vs. Plaintiffs (2014)

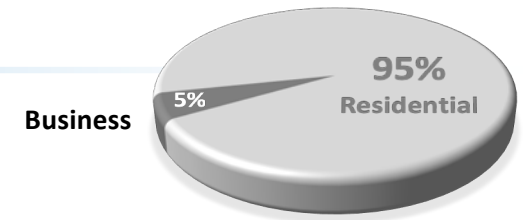
				 *	 *
Revenue	\$10.0 billion	\$1.1 billion	\$625 million	\$5.5 billion	\$3.0 billion
Net Profit	\$4.3 billion	\$65 million	\$174 million	\$514 million	\$130 million
Margin	43.0%	6.0%	27.9%	9.3%	4.3%

Average Margin: 8.6%

*Universal and Warner values represent global revenues and net profit

Source: PX-459, DX-250

Cox Residential Revenue and Profits (2014)



COX



	Revenue	Net Profit	Margin
High Speed Internet	\$2.8 billion	\$1.7 billion	59.8%
Video	\$4.2 billion	\$912 million	21.5%
Voice	\$1.1 billion	\$570 million	52.5%
Total	\$8.2 billion	\$3.2 billion	38.9%

Source: PX-459



Cox Benefited from Infringement on Its Network

Cox Benefited from Infringement on Its Network

1. Cox billed subscribers identified in Plaintiffs' infringement notices approximately **\$307 million** from Feb. 2013 – 2016
 2. Repeat infringers **paid Cox more for internet service**, on average, and likely purchased more expensive internet plans
 3. Cox **saved costs by not addressing copyright infringement** on its network
 4. Cox **maintained a larger subscriber base**
-

Cox Value of Infringing Subscribers (Feb. 2013 – 2016)



		1+ DMCA Tickets	3+ DMCA Tickets	5+ DMCA Tickets
	Subscriber Count	57,279	31,514	20,189
	Billing Charges	\$307 million	\$208 million	\$164 million

Sources: PX-19, PX-467-474, PX-479

Cox's Motive at Termination Review

From: Sikes, Joseph (CCI-Atlanta)
Sent: Thursday, March 27, 2014 4:24 PM
To: HRD-TOC (CCI-Hampton Roads); CCI - Abuse Corporate
Subject: RE: Request for Termination - CATS Ticket 18640545

This Customer pays us over \$400/month and if we terminate their internet service, they will likely cancel the rest of their services.

PX-342

(06:52:06 PM) G Chaos L2: what is soft term ?

(06:52:53 PM) joesikesatl: basically, a suspension that is called a termination with the likelihood of reactivation

(06:53:14 PM) joesikesatl: for DMCA - we don't want to loose the revenue

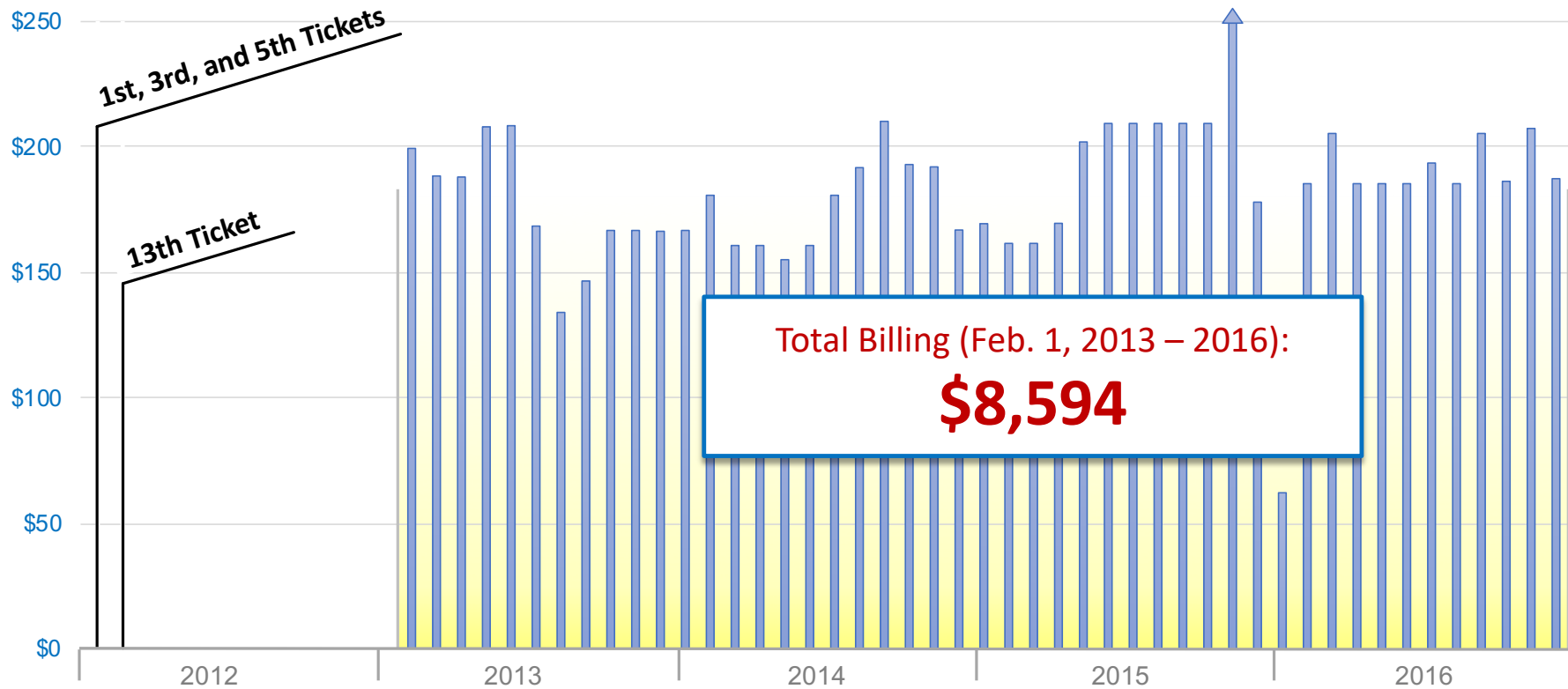
* * *

(07:00:13 PM) joesikesatl: this is a relatively new process that we've been doing for the past year, again, to retain revenue

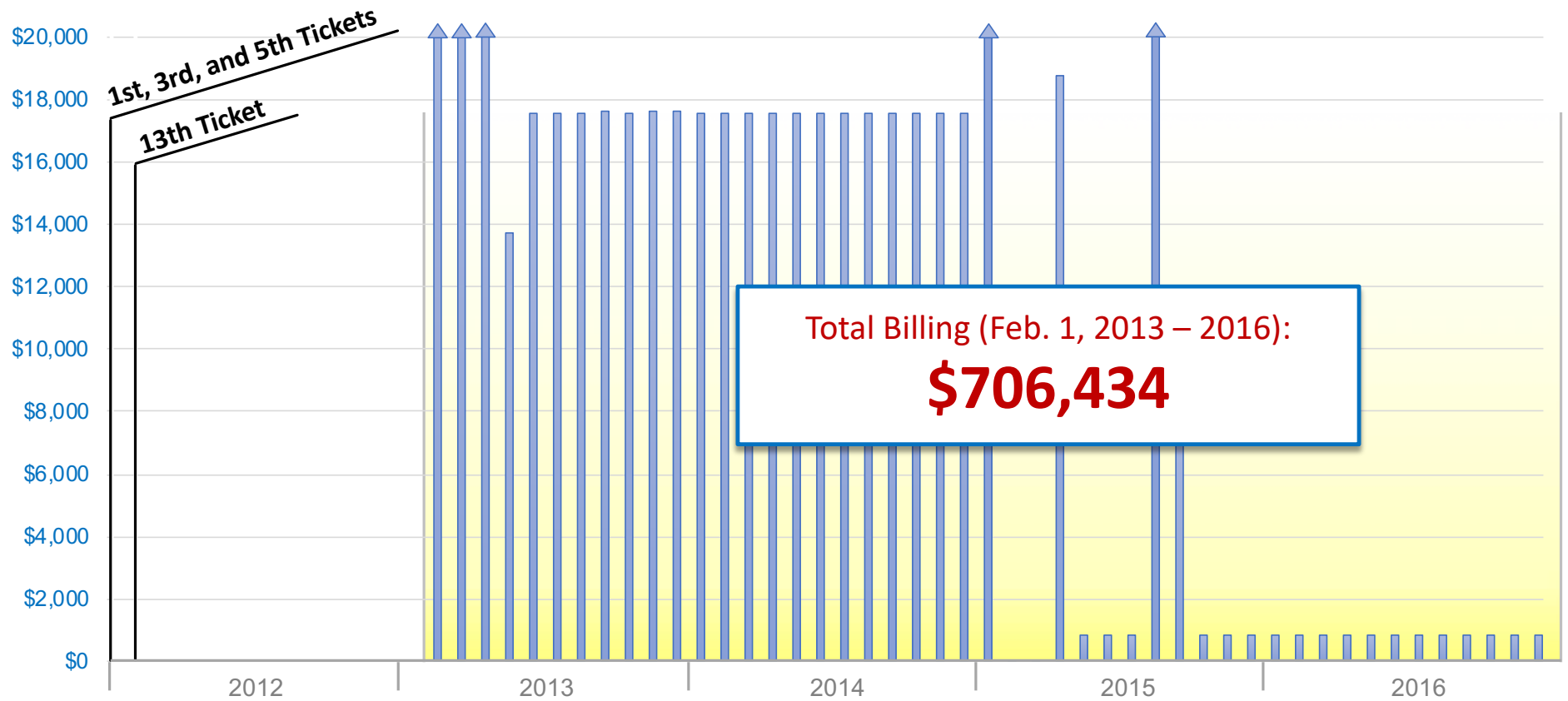
PX-303

Examples of Individual Subscribers

Cox Monthly Billing for Residential Subscriber with 101 Tickets



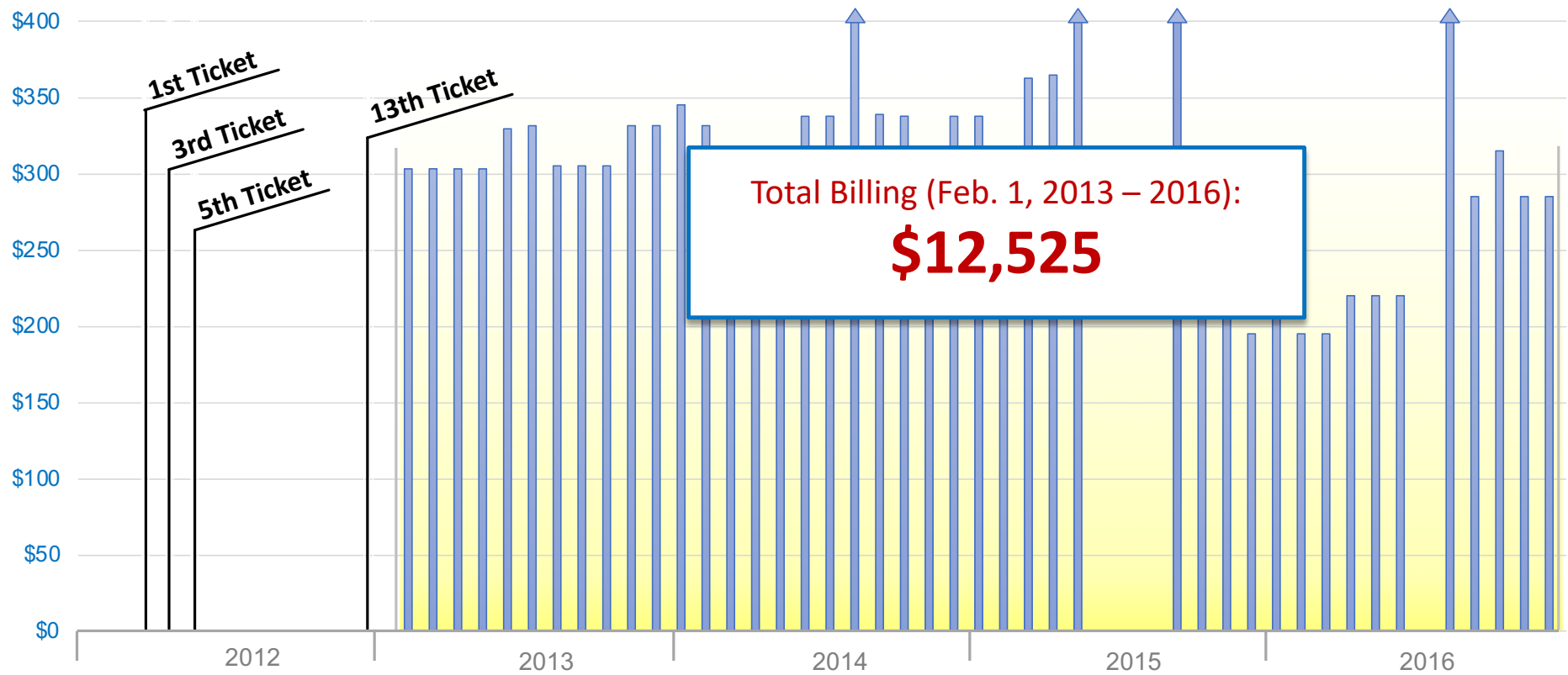
Cox Monthly Billing for Reseller of Cox Broadband with 4,074 Tickets



Customer ID: 57168701

Sources: PX-19, PX-467-474, PX-479

Cox Monthly Billing for College Fraternity with 67 Tickets



Customer ID: 70866401

Sources: PX-19, PX-467-474, PX-479

Repeat Infringers Are Particularly Valuable to Cox

Repeat Infringers Are Particularly Valuable to Cox

- **Cox charges higher prices** for faster internet speed and more bandwidth
 - **P2P consumes more bandwidth** than most activities and is primarily used for infringement
 - **P2P usage was a key driver of Cox's bandwidth demand**
 - **Repeat infringers paid Cox more** for internet service, on average, than other subscribers
-

Cox High Speed Internet Data Usage Assessment

- P2P is the most bandwidth intensive category. P2P households (13% of all broadband households) on average use 82 GB/mo, accounting for 21% of all internet traffic.



Cox High Speed Internet Data Usage Assessment

Mid-term Readout

April 2, 2011

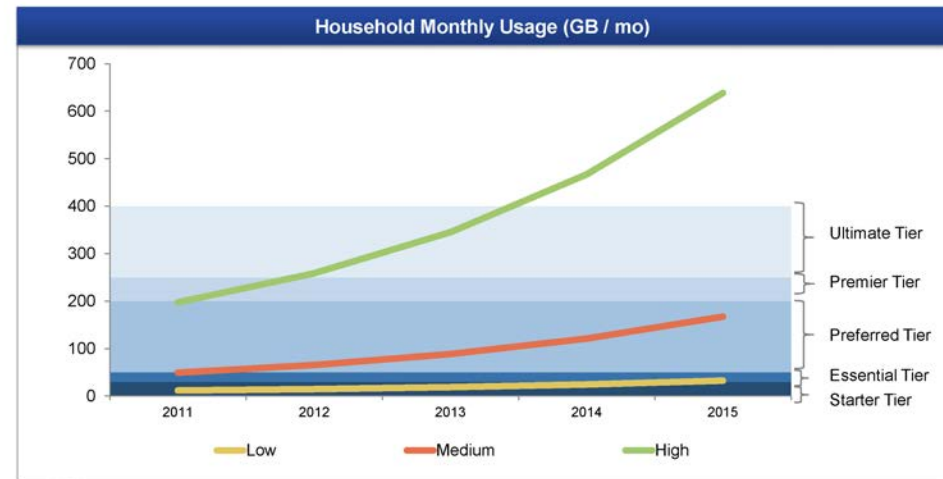
Presented by: Rob Schuler, Nicole Dinion
Emails: rschuler@incodetel.com, ndinion@incodetel.com



PX-0212.0001

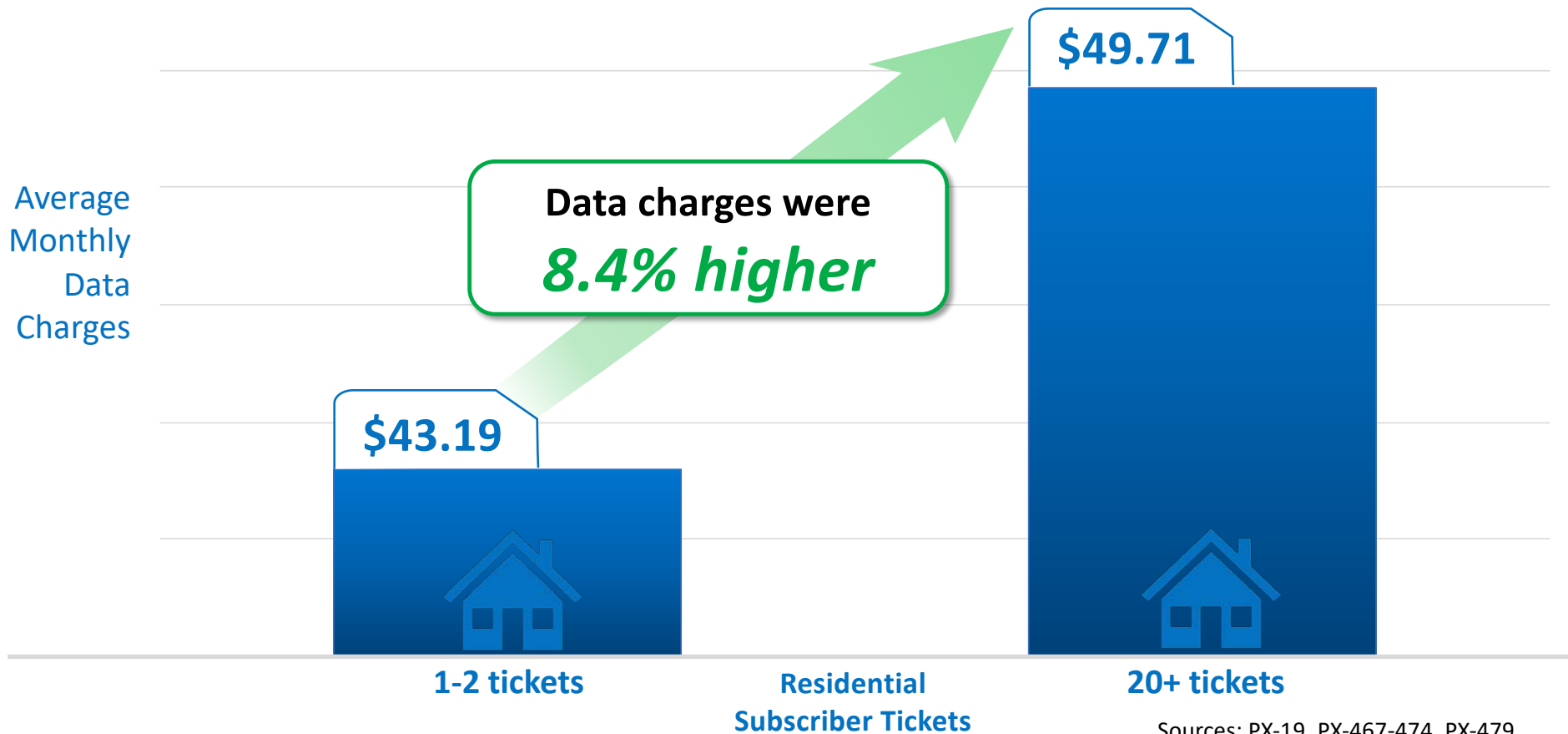
Monthly Household Usage Compared to Cox Service Tiers

Comparing the low, medium, and high household usage against Cox's current tier allowances shows that the low and medium tiers will continue to fall within their expected bandwidth; however the high bandwidth tier pushes the limits of accepted data usage due to high live TV and P2P activity.



Sources: PX-212

Repeat Infringers Pay Cox More For Internet, On Average



Sources: PX-19, PX-467-474, PX-479

Costs Saved By Not Addressing Infringement

Cox Maintained A Larger Subscriber Base

Cox Terminations (2013-2014)

Copyright Infringement

Terminations:
32

Residential
32



Business
0

Non-Payment

Terminations:
619,711

Residential
597,796



Business
21,915

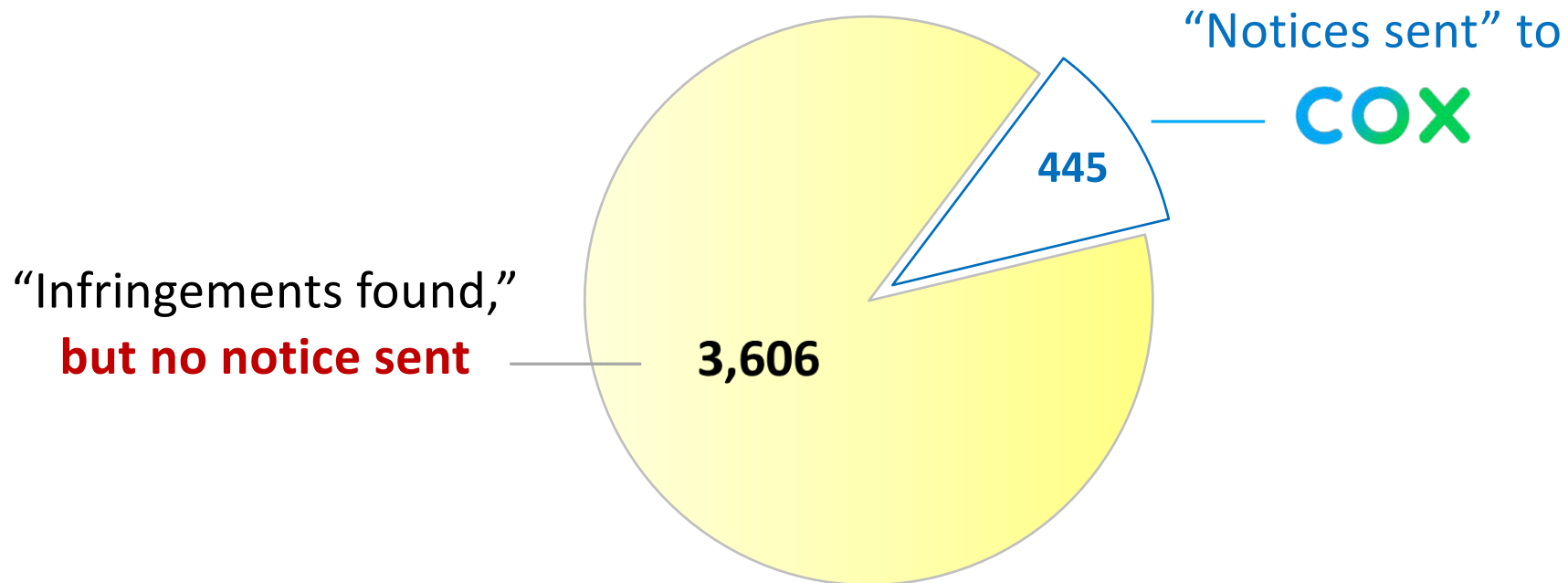
Summary of Conclusions

- 1. Copyright infringement causes significant harms to copyright holders**
- 2. Cox is highly profitable and had a strong economic incentive to tolerate infringement**

Marks Demonstrative

One Day: February 23, 2010

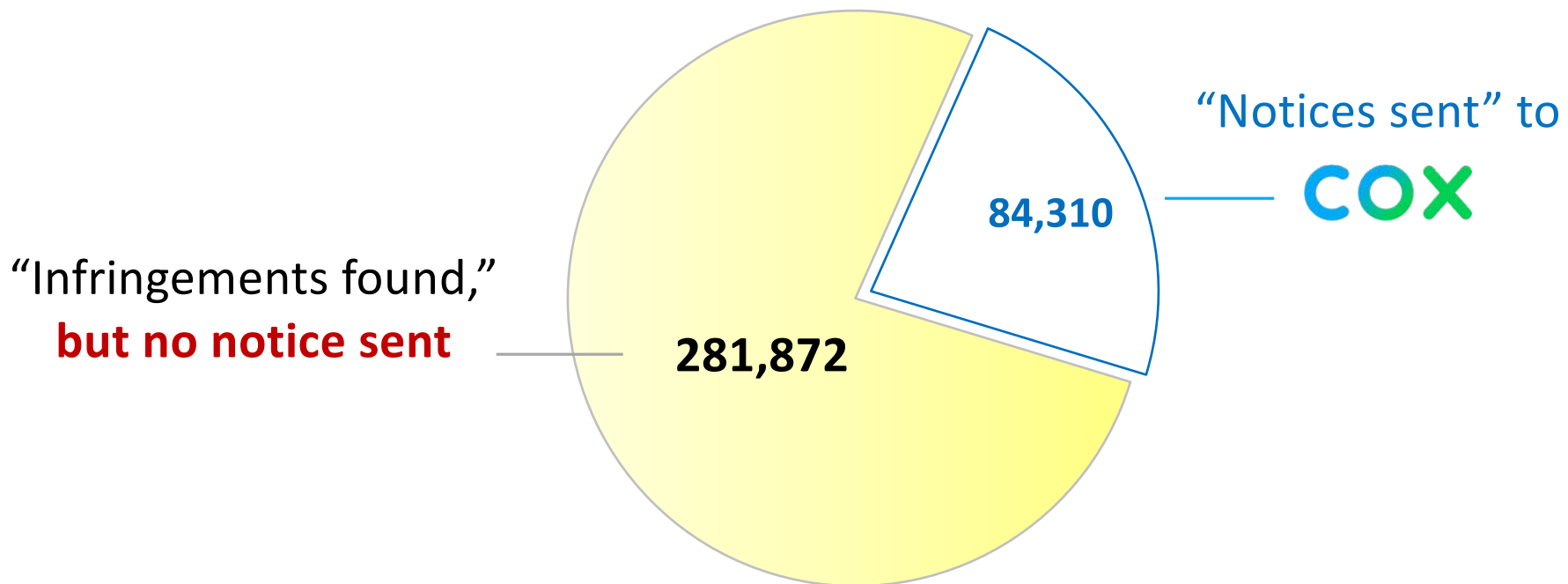
Total: 4,051
Infringements



Source: PX-257

One Year: March 1, 2009 – Feb. 28, 2010

Total: 366,182
Infringements



Source: PX-257